

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

JUDGE PRESKA

MEMORANDUM
OF LAW
AND

Dominick LaRocco

(In the space above enter the full name(s) of the plaintiff(s).)

10

CIV COMPLAINT 3

-against-

under the
Civil Rights Act, 42 U.S.C. § 1983
(Prisoner Complaint)

NEW YORK CITY, ET AL

Jury Trial: ☒ Yes ☐ No
(check one)

KRISTIN HEDGECOCK
JOHN JACKSON
JIM HEDGECOCK
ALL BEING SUED IN
THEIR INDIVIDUAL
PERSONAL CAPACITY

(In the space above enter the full name(s) of the defendant(s). If you cannot fit the names of all of the defendants in the space provided, please write "see attached" in the space above and attach an additional sheet of paper with the full list of names. The names listed in the above caption must be identical to those contained in Part I. Addresses should not be included here.)

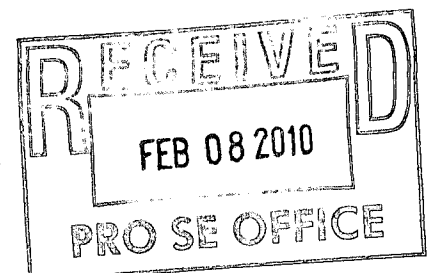
FILED
U.S. DISTRICT COURT
2010 APR -7 AM 10:44
S.D. OF N.Y.

I. Parties in this complaint:

- A. List your name, identification number, and the name and address of your current place of confinement. Do the same for any additional plaintiffs named. Attach additional sheets of paper as necessary.

Plaintiff Name Dominick LaRocco
ID # 4410813823
Current Institution RICKENS ISLAND CF. (A.M.C.)
Address 1818 HAZEL STREET
E. ELMHURST, NY 11370

- B. List all defendants' names, positions, places of employment, and the address where each defendant may be served. Make sure that the defendant(s) listed below are identical to those contained in the above caption. Attach additional sheets of paper as necessary.



Defendant No. 1 Name KNISTIP MURKOWSKI Shield # _____
 Where Currently Employed (10577002) 214-1473
 Address RD ONE, BAYSIDE, N.Y.
11364

Defendant No. 2 Name JOHN JACKSON Shield # 6742
 Where Currently Employed 111TH PRECINCT
 Address 45-06 215 STREET
BAYSIDE, N.Y. 11364 (718) 279-5224

Defendant No. 3 Name JIM MURKOWSKI Shield # N/A
 Where Currently Employed 50TH PRECINCT
 Address 3450 KINGS BRIDGE
AVE, BROOKLYN, N.Y. 10451
(718) 543-5700

Defendant No. 4 Name _____ Shield # _____
 Where Currently Employed _____
 Address _____
JOHN
DOES

Defendant No. 5 Name _____ Shield # _____
 Where Currently Employed _____
 Address _____
JANE
DOES

II. Statement of Claim:

State as briefly as possible the facts of your case. Describe how each of the defendants named in the caption of this complaint is involved in this action, along with the dates and locations of all relevant events. You may wish to include further details such as the names of other persons involved in the events giving rise to your claims. Do not cite any cases or statutes. If you intend to allege a number of related claims, number and set forth each claim in a separate paragraph. Attach additional sheets of paper as necessary.

- A. In what institution did the events giving rise to your claim(s) occur? N/A
- B. Where in the institution did the events giving rise to your claim(s) occur? N/A
- C. What date and approximate time did the events giving rise to your claim(s) occur? 04
11/10/08 + 11/13/08

D. Facts: THIS COURT WILL SEE KNISTIP MURGEON
FILED A FALSE POLICE REPORT OF 11/10/08
TO HAVE PLAINTIFF FALSELY ARRESTED AND
PORTIONED HIMSELF IN A PAROLE TRIAL TO
HAVE HIM FALSELY CONVICTED ON 2/4/09,
THAT DET. JOHN JACKSON FILED FALSE
CHARGES AND STATEMENTS TO FALSELY
ARREST PLAINTIFF BECAUSE HE WAS ON
PAROLE (DISCRIMINATION) AND BECAUSE
DID A FAVOR FOR LT. JIM MURGEON,
WHERE DET. JACKSON + LT. MURGEON HAD
AN CONSPIRACY WITH AN AGREEMENT
TO FORM THESE CHARGES AGAINST
PLAINTIFF AND HOW NEW YORK CITY
PAROLE FILED FALSE CHARGES AND
ARRESTED HIM OF IT AND KEPT
PLAINTIFF IN PRISON ON KNOWINGLY
FALSE CHARGES AFTER IT WAS
BROUGHT TO N.Y.C. PAROLE'S
ATTENTION SEVERAL TIMES -
DISCRIMINATION FROM N.Y.C. + N.Y.C. PAROLE
CONSPIRACY TO KEEP PLAINTIFF IN
PRISON ON KNOWINGLY FALSE CHARGES

What happened to you?

Who did what?

Was anyone else involved?

Who else saw what happened?

III. Injuries:

If you sustained injuries related to the events alleged above, describe them and state what medical treatment, if any, you required and received.

PLAINTIFF LOSS HIS FREEDOM FOR 18
MONTHS DUE TO N.Y.C. + N.Y.C. PAROLE
EMPLOYEES FILING FALSE CHARGES
AND PORTION TO KEEP HIM FALSELY
IN PRISON (EXTORTION AS WELL)

IV. Exhaustion of Administrative Remedies:

The Prison Litigation Reform Act ("PLRA"), 42 U.S.C. § 1997e(a), requires that "[n]o action shall be brought with respect to prison conditions under section 1983 of this title, or any other Federal law, by a prisoner confined in any jail, prison, or other correctional facility until such administrative remedies as are available are exhausted." Administrative remedies are also known as grievance procedures.

A. Did your claim(s) arise while you were confined in a jail, prison, or other correctional facility?

Yes ☐ No ☒

If YES, name the jail, prison, or other correctional facility where you were confined at the time of the events giving rise to your claim(s).

N/A

B. Does the jail, prison or other correctional facility where your claim(s) arose have a grievance procedure?

Yes ___ No ☒ Do Not Know ___

C. Does the grievance procedure at the jail, prison or other correctional facility where your claim(s) arose cover some or all of your claim(s)?

Yes ___ No ☒ Do Not Know ___

If YES, which claim(s)?

D. Did you file a grievance in the jail, prison, or other correctional facility where your claim(s) arose?

Yes ___ No ☒ N/A

If NO, did you file a grievance about the events described in this complaint at any other jail, prison, or other correctional facility?

Yes ___ No ☒ N/A

E. If you did file a grievance, about the events described in this complaint, where did you file the grievance?

PRISON GRIEVANCE

1. Which claim(s) in this complaint did you grieve? N/A

2. What was the result, if any? N/A

3. What steps, if any, did you take to appeal that decision? Describe all efforts to appeal to the highest level of the grievance process.

N/A

F. If you did not file a grievance:

1. If there are any reasons why you did not file a grievance, state them here:

PRISON GRIEVANCE NOT AVAILABLE / REQUIRED

2. If you did not file a grievance but informed any officials of your claim, state who you

informed, when and how, and their response, if any: _____

- G. Please set forth any additional information that is relevant to the exhaustion of your administrative remedies. _____

N/A

Note: You may attach as exhibits to this complaint any documents related to the exhaustion of your administrative remedies.

V. **Relief:**

State what you want the Court to do for you (including the amount of monetary compensation, if any, that you are seeking and the basis for such amount).

RESPECTFULLY
REQUEST THE COURT TO GRANT
PLAINTIFF JUDGMENT ON
THE AMOUNT REQUESTED AND
A LIFE TIME ORDER OF
PROTECTION AGAINST
KUNISTIN HILLGOWN, DET. JOHN
JACKSON AND LT. JIM HILLGOWN
AND APPOINT AN ATTORNEY
FOR PLAINTIFF. PLEASE

On
these
claims

VI. Previous lawsuits:

- A. Have you filed other lawsuits in state or federal court dealing with the same facts involved in this action? NOT RELATED TO ALL ISSUES

Yes ☒ No ☒

- B. If your answer to A is YES, describe each lawsuit by answering questions 1 through 7 below. (If there is more than one lawsuit, describe the additional lawsuits on another sheet of paper, using the same format.)

1. Parties to the previous lawsuit:

Plaintiff DOMINICK LARUELLO
 Defendants KRISTIN HULSEWYN, JOHN JACKSON
JIM HULSEWYN

2. Court (if federal court, name the district; if state court, name the county) BRISBANE COUNTY COURT HOUSE

3. Docket or Index number NONE

4. Name of Judge assigned to your case NONE

5. Approximate date of filing lawsuit 12/1/09

6. Is the case still pending? Yes ☐ No ☒

If NO, give the approximate date of disposition NONE

7. What was the result of the case? (For example: Was the case dismissed? Was there judgment in your favor? Was the case appealed?) CASE WAS IGNORED -

SEE ATTACHED
ADDITIONAL INFORMATION

On
other
claims

- C. Have you filed other lawsuits in state or federal court otherwise relating to your imprisonment?

Yes ☐ No ☒

- D. If your answer to C is YES, describe each lawsuit by answering questions 1 through 7 below. (If there is more than one lawsuit, describe the additional lawsuits on another piece of paper, using the same format.)

1. Parties to the previous lawsuit:

Plaintiff _____

Defendants _____

2. Court (if federal court, name the district; if state court, name the county) _____

3. Docket or Index number _____

4. Name of Judge assigned to your case _____

5. Approximate date of filing lawsuit _____

6. Is the case still pending? Yes ☐ No ☐

If NO, give the approximate date of disposition _____

7. What was the result of the case? (For example: Was the case dismissed? Was there judgment in your favor? Was the case appealed?) _____

I declare under penalty of perjury that the foregoing is true and correct.

Signed this 7 day of FEB, 2010

Signature of Plaintiff

Inmate Number

Institution Address

Donald L. Rocco
4410813823
NICKENES ISLAND CT.
(NY, NY) 12112
HANSEN ST. E.
CLINTON ST, NY 11378

Note: All plaintiffs named in the caption of the complaint must date and sign the complaint and provide their inmate numbers and addresses.

I declare under penalty of perjury that on this 7 day of FEB, 2010, I am delivering this complaint to prison authorities to be mailed to the *Pro Se* Office of the United States District Court for the Southern District of New York.

Signature of Plaintiff:

Donald L. Rocco
DORRINICK
LA ROCCO
ATTORNEY AT LAW
NEW YORK - PRO-SE

THIS COMPLAINT IS FOR

AGAINST KRISTIN MCDONN FOR
 FALGIOUS PROSECUTION AND FILING
 A FALSE POLICE REPORT ON
 11/10/08 TO HAVE PLAINTIFF
 FALSELY ARRESTED ON 11/11/08
 AND FALSELY TESTIFYING AGAINST
 PLAINTIFF AT A PAROLE TRIAL ON
 2/4/09, WHICH NOT PLAINTIFF
 FALSELY CONVICTED OF 18 MONTHS
AND AGAINST LT. JIM MCDONN
 AND DET. JOHN JACKSON FOR
 CONSPIRACY WITH AN AGREEMENT
 TO FORN THE CHARGES
 AGAINST PLAINTIFF.

STATEMENT OF FACTS

ON 11/10/08 AT AROUND 7 PM,
 PLAINTIFF PULLED INTO THE BACK OF
 KEYFOOD PANTRY AND GOT OUT
 OF MY CAR WITH A BIFT AND
 WALKED UP THE BLOCK AND
 CROSSED THE STREET AND
 WALKED INTO

THE STORE AND BOUGHT A DOZEN ROSES.

I THEN CROSSED THE STREET AND WALKED THROUGH THE FRONT ENTRANCE AND WALKED OVER TO KRISTIN, WHO WAS STANDING IN FRONT OF THE OFFICE THAT THEY HAVE IN KEEFSD, WHERE KRISTIN WAS BENT OVER LEANING FORWARD, WITH HER ARMS FOLDED UP AGAINST THE GLASS WINDOW, TALKING TO ONE OF HER CO-WORKERS / BOOK KEEPER.

I WALKED UP TO HER AND WAS STANDING ON THE RIGHT SIDE OF HER AND PRESENTED A DOZEN ROSES AND A GIFT; SHE HAD A BIG SMILE ON HER FACE AND NOT VERY SHY AND TURNED HER HEAD TO THE LEFT, WITH HER RIGHT CHEEK FACING NEXT TO THE WINDOW

I SAID I HOPE YOU LIKE YOUR GIFT AND PLACED THE ROSES ON PETASTILL / BOX THEY HAD IN FRONT OF THE OFFICE AND WALKED AWAY OUT THE BACK DOOR AND WENT HOME,

7) DEFENDANT KENNETH MURPHY;
 THAT NIGHT ON 11/10/08, FILED
 A POLICE REPORT AT THE 111TH
 PRECINCT CLAIMING THAT WHILE
 SHE WAS WORKING AT ILEY
 FOOD, AT 214-14 73RD AVE,
 BAYSIDE, N.Y. 11364, THAT FROM
 8/29/08 UNTIL 11/10/08, THAT
 PLAINTIFF ASKED HER
 REPEATEDLY TO ENTER INTO A
 ROMANTIC RELATIONSHIP THAT
 THESE COMMENTS WERE NOT
 WELCOME AND MADE HER FEEL
 THREATENED AND UNCOMFORTABLE,
 THAT PLAINTIFF GAVE HER LETTERS/
 CARDS AND GIFTS AND THAT E
 CAME INTO THE STORE AT
 ABOUT 7PM AND FORCEFULLY
 GRABBED HER FROM BEHIND AND
 KISSED HER ~~WHEEL~~ AND LEFT
 THE STORE THAT PLACED HER
 IN REASONABLE FEAR OF
 PHYSICAL HARM AND CAUSED
 HER ANNOYANCE AND ALARM.
SEE EX. 1

8) HOWEVER, DEFENDANT KNISTIN
 NEEDSOWN, RECALLS HER STORY
 AT A PAROLE TRIAL OF 2/4/09,
 WHEN ASKED "WHAT HAPPENED
 ON 8/29/08," KNISTIN NEEDSOWN
 REPLIED "I BELIEVED THAT WAS
 THE FIRST TIME HE STARTED
 TRYING TO HAVE A CONVERSATION
 WITH ME ABOUT LIKE "OH WHAT'S
 YOUR NAME - TRYING TO GET TO
 KNOW ME" PG 9 #12-16 OF
 PAROLE TRIAL MINUTES. SEE EX-2

9) KNISTIN NEEDSOWN, THEN STATED
 THE "LAST" TIME LAWRENCE
 (PLAINTIFF) TALKED TO HER HE
 STATED STUFF LIKE TRYING TO INDUCE
 HER TO KNOW HE WOULD ASKING
 HOW SHE FEELING, IF I NEEDED
 ANY THING. HE WAS ALWAYS
 ASKING IF I NEED ANY THING."
 PG 51 #4-10 AND STATED WHEN
 ASKED "HE WAS NOT THREATENING
 YOU WHEN HE ASKED YOU IF
 YOU NEEDED ANY THING" "NO"
 PG 51 #11-13

- 10) IT SHOULD BE NOTED THAT THERE IS NO MENTION FROM KENISTON NELSON, WHEN SHE TESTIFIED AT THE PAVOLE TRIAL ON 2/4/09 THAT PLAINTIFF ASKED HER "VENBLEY" ON A DATE ON 8/29/08 FROM THE FIRST TIME HE SPOKE TO HER UNTIL THE LAST TIME HE SPOKE TO HER ON 11/10/08, ON REPEATEDLY FOR THAT MATTER AS SHE CLAIMED BY HER TWO POLICE REPORTS OF 11/10/08 + 1/16/09.
- 11) IT SHOULD BE NOTED THAT KENISTON NELSON WALKED IN WITH HER MOTHER SUSAN NELSON TO FILE THE POLICE REPORT OF 11/10/08.
- 12) DET. JOHN JACKSON, SHIELD # 0742, FROM THE 11TH PRECINCT TOOK THE COMPLAINT.

13) DET. JOHN JACKSON, TESTIFIED AT A
 HOLTZ/DOUBINWAY HEARING IN
 CRIMINAL COURT ON 12/16/08
 THAT HE SPOKE TO LINDA'S
 FATHER WHO STATED TO HIM
 THAT " HE IS A LIEUTENANT
 IN THE NEW YORK CITY POLICE
 DET. AND THAT WAS HIS DAUGHTER
 AND HE WANTED THIS TO STOP"
 PG 10 # 13-21 OF HEARING MINUTES

14) AFTER DET. JACKSON, WAS
 INFORMED BY LT. JIM MURPHY
 HE IS A LT. AND THAT WAS
 HIS DAUGHTER " I WANT THIS
 TO STOP" YOUR PLAINTIFF WAS
 ARRESTED THE NEXT DAY AT
 11:30 AM ON 11/11/08, FOR
 HARASSMENT AND AGGRAVATED
 HARASSMENT OF THE 2ND
 DEGREE AND STALKING IN THE
 4TH DEGREE.

15) PLAINTIFF POSTED BAIL THE
 NEXT DAY ON 11/12/08, AT
 AROUND 1:30 PM AFTERNOON
 AND WAS RELEASED FROM
 RICHMAN ISLAND C.F.

- 16) ACCORDING TO A PARMORE OFFICERS NOTES (CHANDRO NOTES) IT STATED ON 11/12/08, AT 10:00 AM, "IF VICTIM WILL COOPERATE SUBJECTS PARMORE TO BE REVOKED" SEE EX-3.
- 17) CHANDRO NOTES FURTHER STATE, "11/12/08 2:30 PM DEFENDANT FATHEN, LT. JIM ACHESON, CALLED A PARMORE OFFICER, RICHARD MOSLEY, AND INFORMED HIM HE WAS A LT. FOR THE 50TH PRESENT AND WILL BEING HIS DAUGHTER (KRISTIN) TO Rikers."
- 18) ON 11/12/08, AT 3:15 PM, 45 MINUTES LATER, PLAINTIFFS P.O. SPOKE P.O. PEREZ AND ASKED "WHEN THE COURT IS TO LODGE A WARRANT - WAS TOLD (PLAINTIFF) LAROCK POSTED BAIL"
- 19) 11/12/08, AT 3:20 PM, PLAINTIFFS P.O. MR. MOSLEY, "CALLED LT. JIM ACHESON, STATED "PLAINTIFF POSTED BAIL - HE WAS GOING TO ARREST HIM" (PLAINTIFF).
- 20) 11/13/08, AT 7:30 AM PLAINTIFFS P.O. PREPARED A (VOP) VIOLATION OF PARMORE, CHARGING PLAINTIFF WITH STALLING

AND AGGRAVATED HARASSMENT."

- 21) 11/13/08 AT 10:45 AM, A WARRANT WAS ISSUED #575263, TO BE ARRESTED AT PLAINTIFFS JOB."
- 22) 11/13/08, AT 11:15 AM I WAS RE-ARRESTED BY MY P.O. MR. ROSLAH, BY THE 104TH PRESENT AT MY JOB
- 23) PLAINTIFFS PANDOL PAPERS EVER STATED THAT "A PANDOL WARRANT WAS REQUESTED BASED ON THE WILINGNESS OF THE VICTIM TO TESTIFY" SEE EX - 4
- 24) DEFENDANT THEM HAD A SECOND POLICE REPORT MADE, THAT DET. JACKSON, SIGNED + DATED ON 11/16/09, WAS FAXED TO THE DA'S OFFICE, AND DEFENDANT SIGNED + DATED 12 DAYS LATER ON 11/24/09. SEE EX - 5
- 25) IT SHOULD BE NOTED THAT ON THE DEFENDANTS FIRST POLICE 11/10/08, SHE ADMITTED PLAINTIFF HAD HER CANS AND LETTERS DATED 10/8/08, AND CANS AND LETTERS ON 11/01/08, (ONE WHICH WAS DATED 11/3/08.) (TWO OCCASIONS ONLY.)

- 26) THE QUEBEC COUNTY DA's OFFICE ADMITTED IN THEIR "IN TAKE BUREAU CRIME REPORT" THAT PLAINTIFF DAVE KNISTIP ASKED FOR CARDS & LETTERS ON 10/8/08 & 11/10/08 (ONE WHICH WAS DATED 11/3/08) (2 TWO QUANTITIES ONLY SEE EX-6).
- 27) IN KNISTIP'S SECOND POLICE REPORT DATED 11/16/09, SHE CLAIMS AND RELATES HER STORY AND CLAIMS PLAINTIFF DAVE THEN A LETTER DATED 11/3/08 (ON THAT DATE) AND THIS NEW POLICE REPORT SHOWS PLAINTIFF DID NOT GIVE HER ANY LETTERS/CARDS ON 11/10/08 AT ALL.
- 28) UPON THE UNCOVERED FACTS/SWORN TESTIMONY OF KNISTIP ON 2/4/09 AT A PRIVATE TRAIL, AND STATEMENTS FROM 3 THREE EYE WITNESSES KNISTIP'S ALLEGATIONS IN HER POLICE REPORTS CANNOT BE ACCEPTED AS TRUE AND WILL SHOW/PROVE KNISTIP DID IN FACT FILE TWO FALSE POLICE REPORTS & PUNISHED HERSELF & WONT AS I WILL EXPLAIN.

WHAT KNISTIP STATED AT THE
PANOLE TRIAL ON 2/4/09.

- 29) KNISTIP REMEMBER (DEFENDANT) GAVE
 S.W.O.R. TESTIMONY STATING SHE DIDN'T
 SEE ME COME IN "PG 65 AT #34 OF
 TRIAL MINUTES, BUT STATES "HE CAME IN"
 (WHICH PROVES SHE SAW ME) AND STATED
 "I THREW A BOUQUET OF FLOWERS
RIGHT AT HER BY HER FEET, A BAG OF
PRESENTS AND HARRIBED HER BY HER
SHOULDER AND KISSED HER RIGHT
CHEEK" PG 29 # 17-21, HOWEVER
 KNISTIP THEN RECALLS HER STORY AND
 STATED "SHE SAW SOME BODY THROW
 STUFF" PG 67 # 6-7
- 30) DEFENDANT THEN ADMITS "SHE WAS
 FACING INSIDE THE WINDOW FROM
 THE OUT SIDE OF THE OFFICE"
 PG 65 # 13-14, PG 66 # 3 AND STATED
 "I PUT THE BAG OF GIFTS NEXT TO
 THE BOX THAT WAS BY HER FEET
 (WHICH PROVES DEFENDANT DID SEE
 ME) AND STATED "I CAME BEHIND
 HER AND HARRIBED HER SHOULDER
 AND KISSED HER ON HER CHEEK"
 PG 66 # 7-8 AND # 21-24, BUT

THEN RECALTS HER STORY AND STATED "I PUT MY ARM AROUND HER SHOULDER" PG 66 #25, PG 67 #1-2 (WHICH WOULD PROVE I WOULD HAVE BEEN STANDING ON THE SIDE OF HER, NOT BEHIND HER); THEN RECALTS HER STORY AND STATED "SHE FELT MY HAND ON HER SHOULDER" PG 67 #11.

31) THE COURT SHOULD WONDER DID PLAINTIFF MARR. HER FROM BEHIND, ON 12/10 I PUT MY ARM AROUND HER (WHICH PROVES I WOULD HAD TO BE STANDING ON THE SIDE OF HER NOT BEHIND HER) ON 12/10 I LAY MY HAND ON HER SHOULDER??

32) DEFENDANT KIMISTH ALMEIDA CLAIMS THAT I MARRIED HER FROM BEHIND AND BELIEVED BY HER MARRIAGE (DOR WILSON) WHO WAS AN (EYE WITNESS) WHO STATED TO MY CRIMINAL ATTORNEY MR. HALPERN, AND HIS INVESTIGATOR MS. NOEL, ON 11/24/08 WHO STATED "I PUT MY ARM AROUND KIMISTH", WHICH PROVES I WAS NEVER BEHIND HER OR FORMERLY MARRIED

HEN AS DEFENDANT CLAIMS,
SEE EX. - 7 A LETTER DATED 3/17/09
FROM MY ATTORNEY OF STATEMENTS
FROM EYE WITNESS.

- 33) PLAINTIFF WOULD LIKE TO NOTE HE
NEVER TOUCHED OR MARRIED HEN
ON (KISSED HEN CHEEK ON THE NEW
NOSES AT HEN.
- 34) ALSO, DEFENDANTS NATHAN (DO
WILSON) NEVER STATED ANYTHING
ABOUT PLAINTIFF THROWING NOSES
AT HEN, NOR DID THE BOOK KEEPER
- 35) FURTHERMORE DEFENDANT CLAIMS THE
BOOK KEEPER (SECOND EYE WITNESS)
(ELEANOR) WHO SAW EVERYTHING
WHO WAS LOOKING THROUGH THE
WINDOW, SAID SHE TOLD PLAINTIFF
SHE WAS GOING TO CALL THE COPS
PG 29 # 15-16 # 25. HOWEVER
ILNISTIA/DEFENDANTS CLAIMS ARE
BELIED BY THE BOOK KEEPER'S STATEMENTS
TO MY ATTORNEY/INVESTIGATION, WHO
STATED "SHE DIDN'T SEE ANY
THING", EX. - 7.

- 36) AS THE COURT CAN SEE SO FAR DEFENDANT HAS MADE (4) FOUR DIFFERENT STATEMENTS AND VERSIONS OF WHAT SHE IS CLAIMING YOU PLAINTIFF DID TO HER.
- 37) DEFENDANT'S POLICE REPORTS STATES PLAINTIFF FORCEFULLY GRABBED HER FROM BEHIND, IN PAMOLE COURT DEFENDANT TESTIFIED PLAINTIFF GRABBED HER FROM BEHIND, THEN RECOUNTS HER STORY AND STATES "I PUT MY ARM AROUND HER" THEN STATES AND RECOUNTS BY CLAIMING "I LAYED MY HAND ON HER SHOULDER."
- 38) FORCEFULLY GRABBING, GRABBING, PUTTING A ARM AROUND SOMEONES AND LAYING A HAND ON SOMEONES SHOULDER, ARE ALL DIFFERENT THINGS.
- 39) IT'S SURE THIS COURT CAN AGREE HAD THERE BEEN ONE STATEMENT MADE BY DEFENDANT AND HER PAMOLE DON WILSON, BY CLAIMING "I PUT MY ARM AROUND HER", THEN MAYBE IT COULD BE ASSUMED/ON I MAY BE

THAT MAYBE DEFENDANT IS TELLING THE TRUTH ABOUT THIS MATTER THAT PLAINTIFF DID PUT HIS ARM AROUND HER, BUT WHEN A DEFENDANT HAS TWO MAJORS (4) FOUR DIFFERENT STATEMENTS/VERSIONS OF WHAT SHE IS CLAIMING OF PLAINTIFF DID TO HER AND YOU HAVE A SECOND EYE WITNESS WHO STATED "SHE DIDN'T SEE ANYTHING," THEN AS A MATTER OF COMMON SENSE IT CANNOT BE ACCEPTED THAT DEFENDANT IS TELLING THE TRUTH ABOUT THIS MATTER.

- 4) THE FACT STILL REMAINS THAT EVEN "IF" PLAINTIFF DID PUT HIS ARM AROUND DEFENDANT, (WHICH HE DID NOT) WOULD STILL PROVE + SHOW THAT YOU PLAINTIFF WAS NEVER BEHIND HER AND NEVER MAJORED HER FROM BEHIND AS SHE CLAIMS, BECAUSE BY PUTTING YOUR ARM AROUND SOME YOU HAVE TO BE STANDING ON THE SIDE OF THAT PERSON AND NOT BEHIND THAT PERSON, AS A MATTER OF COMMON SENSE, AND THIS ALONE SHOWS + PROVES ON A LEAST TERMS TO

SHOW + PROVE THAT DEFENDANT
 DID IN FACT FILE TWO (2) FALSE
 POLICE REPORTS OF 11/10/08 + 1/16/09,
 CLAIMING PLAINTIFF FORCEFULLY
 UNABUSED HER WHEN HE DID NOT,
 AND HAD PLAINTIFF FALSELY
 ARRESTED ON 11/14/08 AND 11/13/08,
 AND DID IN FACT PORTUNE HER
 SELF IN COURT ON 2/4/09, TO HAVE
 PLAINTIFF FALSELY CONVICTED OF
 24 MONTHS IN PRISON.

41) DEFENDANT KRISTIN NELSON, STATED
 "SHE DID NOT BELIEVE ANYONE THAT
 PLAINTIFF WAS THERE UNTILL SHE
 CLAIMED PLAINTIFF KISSED HER
 CHEEK, 7867 AT # 4, 5, 6 THEN
 RECAPTS HER STORY AND STATED
 "SHE DIDNT KNOW PLAINTIFF WAS
 BEHIND HER UNTILL SHE FELT IT
 HAND ON HER SHOULDER" 7867 # 10-12
 OF PROBLE HAVING MINUTES 2/4/09.

42) HOWEVER, THESE CLAIMS ABOVE BY
 DEFENDANT CANNOT BE ACCEPTED AS
 TRUE, BECAUSE DEFENDANT HAD
 ALREADY ADMITTED THAT SHE
 "SAW PLAINTIFF WHEN AND

PUT A BAG OF POTTS ON THE FLOOR
NEXT TO A BOX, AT HER FEET "
"BEFORE" SHE CLAIMED & SO -
CALLED MANIPULATED HER FROM BEHIND
HER AND KISSED HER CHEEK AT 66
#19-24, WHICH HEARS KNISTIN DID
SEE PLAINTIFF COME IN KITCHEN
AND PUNTURED HERSELF AGAIN.

43) ADDITIONALLY, IF PLAINTIFF PUT HIS
HAND ON HER SHOULDER "FIRST" -
"BEFORE" & KISSED HER CHEEK AS
SHE CLAIMS, THEN KNISTIN WOULD
HAVE KNOWN & WAS THERE "BEFORE"
& SO CALLED KISSED HER BECAUSE
THE SO CALLED LIE CAME "AFTER"
SHE CLAIMED & PUT A HAND ON HER
SHOULDER NOT "BEFORE" AS A
MATTER OF COMMON SENSE.

44) KNISTIN NUMBOWN, STATES "SHE
DIDNT KEEP RECORD OF THE DATES
& CAME IN TO SEE HER" (ADMITTS
KNISTIN IN TO SEE HER) "AND
STATED & WOULD COME ON HER
LIPS AND TRY AND SPEAK WITH
HER" OF 14 AT # 6-12, THEN RELATES
HER STORY AND ADMITTS "FOR THE

MONTH OF AUGUST HE WOULD
 COME INTO THE STORE" AND
 ADMITTED "YES HE WAS A
 CUSTOMER" PG 14 AT # 22-25 AND
 PG 25 AT # 1, THEN ADMITTED
 "WHEN I CAME INTO THE STORE
 FROM SEPTEMBER TO OCTOBER
 THAT I CAME IN FREQUENTLY
 "DURING THE WHOLE ENTIRE PERIOD,
I CAME IN AS A CUSTOMER AND
IDIDN'T KNOW IF I CAME
SPECIFICALLY TO SEE HER OR
WHATEVER HE HAD TO BUY IN
THE STORE" PG 20 # 4-5 AND
 ADMITS "YES HE WAS JUST A
 CUSTOMER" PG 73 AT # 9-10

45) TO POINT OUT, IF DEFENDANT (CHRISTIN
 MURPHY, DID -NOT KNOW IF I
 WAS THERE TO SEE HER, THEN HOW
 COULD SHE CLAIM AND FILE POLICE
 REPORT HAVING BE ARRESTED FOR
 STALKING IN THE 4TH DEGREE,
 HARASSMENT 2ND DEGREE AND ANIMATED
 HARASSMENT 2ND DEGREE, CLAIMING
 PLAINTIFF REPEATEDLY ASKED HER OUT
 OF A DATE CAUSING HER TO FEEL
 THREATENED AND UNCOMFORTABLE

IF ILMISTIN DID -NOT KNOW IF I
WAS THERE TO SEE HER OR NOT,
SHE COULD NOT, AS A MATTER OF
COMMON SENSE,

46) THE DEFENDANT FURTHER STATED, "I
GAVE HER ALL MY CARDS" AND
STATED "HE WROTE THINGS IN THEM
AND I TOLD HIM NO, I DON'T WANT
THEM AND TO KEEP THEM THAT'S
THEM BACK AND THERE'S A LITTLE
SPACE UNDER THE REGISTER AND
HE ILIND OF JUST THREW IT UNDER
THERE" PG 27 AT # 3-10. HOWEVER
ILMISTIN RECALLS HER STORY AND
STATED "I ASK HER TO PLEASE
TAKE IT AND HONESTLY IT WAS
HOLDING UP MY LIFE SO HE ILIND
OF JUST LIKE PUT IT THERE AND
I MEAN I DIDN'T THROW IT BACK
AT HIM, I DIDN'T YELL IT TO
HIM, NO, YOU HAVE TO TAKE THIS,
I (DEFENDANT) JUST STUCK IT
UNDERNEATH MY REGISTER".
PG 47 AT # 1-5 OF PAUSE MINUTES.

47) HERE, DEFENDANT IS ADMITTING SHE
READ WHAT PLAINTIFF WROTE HER

IF THE CARDS PLAINTIFF HAD TO
 HER BY CLAIMING^a HE WROTE THINGS
 AS THEN AND I TOLD HIM NO, (LIES)
 HOWEVER, DOES THE COURT REALLY
 BELIEVE THAT DEFENDANT WOULD
 READ ALL (8) CARDS AND A (5) PAGE
 LETTER (RIGHT THEN) AFTER
 SHE WAS SO WORRIED ABOUT HER
 LIFE BEING HELD UP??

48) DEFENDANT THEN CLAIMS, "PLAINTIFF
 HAD THE PIZZA PLACE DELIVER
 PIZZA TO HER JOB, SEVERAL
 TIMES I WOULD SAY 4 OR 5 TIMES"
 PG 54 AT # 22-25 PG 55 #1-2
 THIS CLAIM IS ALSO BELIED BY THE
 MANAGER (AL) FROM THE PIZZA PLACE
 WHO STATED TO MY ATTORNEY AND
 INVESTIGATION "I ORDERED PIZZA
 ONE TIME SHE DIDN'T SEND IT
 BACK". SEE EX. - 7.

49) THE DEFENDANT, KIRSTIN McJEWELL,
 CLAIMS "PLAINTIFF BOTHERED A GIRL
 BEFORE PG 10 # 2-3 AND 21-23 AND
 BOTHERED HER ALOT PG 31 AT # 24
 CLAIMED PLAINTIFF WAS BOTHERED
 HER (DEFENDANT) PG 58 # 12-15.

- 50) HOWEVER, DEFENDANT CLAIMS ARE BELIED BY HER OTHER MANAGER (JOE VALENTE) STATEMENTS TO YOUR PLAINTIFFS ATTORNEY AND INVESTIGATION WHO STATED "I NEVER CAUSED PROBLEMS, I ALWAYS BOUGHT THINGS, I CAME IN AND MY SHOPPING AND THERE WAS NO CAUSE FOR CONCERN. SEE EX. - 7 .
- 51) DEFENDANT WAS ASK "YOU DIDNT THINK HE (PLAINTIFF) WAS SCARY" AND SHE REPLIED "NO, I DIDNT THINK HE WAS SCARY" PG 58 # 22-24 OF PANOLE HEARING MINUTES. SEE EX-2
- 52) THE DEFENDANT WAS THEN ASK "DID HE (PLAINTIFF) EVER FOLLOW YOU INTO THE STORE OR WAIT FOR YOUR BREAK TO BE OVER" DEFENDANT STATED "I DON'T THINK SO" AND STATED "WHEN SHE LEFT WORK AT 9 PM "IT WAS DARK AND SHE WALK HOME" AND STATED "I WAS NEVER THERE WHEN SHE GOT OFF WORK" SHE NEVER SAW HIM " HE NEVER FOLLOWED ME HOME AND NEVER CALLED HER A JOB

ON HOME "NO" PG 84 # 11-25 AND
PG 85 # 1-6, ADMITTING PLAINTIFF
NEVER STALKED/HARASSED HER.

58) KNIST, RUDOWN WAS THEN ASKED
"WAS THERE EVEN A TIME WHEN
YOUR MANAGERS BROUGHT IT UP
THAT THEY COULD BAN HIM FROM
THE STORE". KNIST, RUDOWN SAID
"NO" PG 57 # 21-24, AND SAID
"THEY DIDN'T DO ANYTHING"
PG 58 # 4-5 AND STATED "THE
ONE WHO SAID HE COULDN'T DO
MUCH WAS (JOE VALENTE) THE
STORE MANAGER" PG 56 # 23-25
AND SAID "JOE SAID HE COULDN'T
DO MUCH" PG 57 # 17-19, HOW-
EVER KNIST, RUDOWN CLAIMS ARE
BELIED BY HER MANAGERS
(JOE VALENTE) STATEMENTS TO/
WHO SAID "I TOLD KNIST THAT
I COULD PROHIBIT PLAINTIFF FROM
COMING INTO THE STORE", AND
KNIST SAID THAT WAS NOT
NECESSARY" SEE EX-7

54) KRISTIN THOMPSON TESTIFIED "SHE TOLD THE PIZZA MAN SHE CAN'T TAKE, PG 54 #5-8 AND STATED "SHE TOLD ME THAT SHE DID NOT WANT ANY THINGS" PG 28 #2-3 AND "SHE THREW THE GIFTS ON THE TRUCK AND THEN WORKERS TOLD HER TO KEEP THEM" PG 59 #23-25 - PG 60 #1. HOWEVER KRISTIN CLAIMS ABOVE ARE BELIEVED BY HER MANAGER (DON WILSON) STATEMENTS TO MY ATTORNEY AND INVESTIGATION, WHO SAID "I TOLD KRISTIN THAT KEEPING THE GIFTS WAS LEADING PLAINTIFF ON, BUT KRISTIN KEPT EVERYTHING HE GAVE HER EVEN THOUGH HE TOLD HER NOT TO, IT WAS NEVER A B.O.Y. DEAL." SEE EXHIBIT 7

- 55) KIRSTIN NICHOLSON ALSO ADMITTED WHEN ASKED "HE WAS NOT THREATENING YOU WHEN HE ASKED YOU IF YOU NEEDED ANY THING "NO"" pg 51 # 11-13.
- 56) KIRSTIN THEN STATED "SHE SHOWED HER MOM THE CARDS AND HER MOM WANTED TO DO A TAD MORE" AND SPEAK TO HER FATHER" pg 60 # 7-17 (SHE DIDNT WANT THAT)
- 57) KIRSTIN THEN ADMITTED "SHE ONLY TOLD HER DAD ABOUT THE CARDS AND HER FATHER ASKED HER IF SHE WANTED TO DO SOME THING MORE THEN TELL THE MANAGER AND KIRSTIN SAID "NO"" pg 61 # 6-17.
- 58) KIRSTIN THEN STATED "THAT YOUR PLAINTIFF GAVE HER SEVERAL CARDS/LETTERS, AS STATED ON pg 10 # 22 THEN